



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,677	05/22/2002	Paul Bernard Newman	P07534US00/RFH	7732
881	7590	06/05/2006	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			DILLON JR, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/049,677	NEWMAN, PAUL BERNARD	
	Examiner	Art Unit	
	Joseph A. Dillon, Jr.	3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 12-14 and 16 is/are pending in the application.
- 4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The Final Rejection of 2/1/05 is hereby withdrawn. Prosecution is reopened.

The following is an action on the merits.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line(s) 1, "conveying means" lack(s) antecedent basis.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 6 & 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (4,363,263).

Williams (4,363,263) disclose(s):

- conveying foodstuffs, abstract;
- a conveyor belt(s) comprising a conveying surface 12;
- decontamination arrangement 16;
- first cleaner 87;

- second cleaner 42 that subjects said surface to UV irradiation;
- chamber 40;
- Liquid directing means 86.

Note, the examiner considers the limitation(s) of conveying foodstuffs as falling short of positively recitation, reciting a mere possibility.

Additionally, as the second cleaner is a heat source, it inherently emits along the full electromagnetic spectrum, of which the UV band is a portion.

Further, the purpose of the chamber 40 is to limit radiation losses, column 1, line(s) 48 & column 2, line(s) 56. So the internal surface of the chamber 40 is designed to reflect radiation inward & therefore the UV irradiation is subjected to the conveying surface itself even though the source is below the under surface.

Finally, as the belt(s) traverses a helical path in the chamber, the second cleaner acts on a flexure at all points of the conveying surface under cleaning.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-6 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4,363,263) in view of Kornely (5,542,525).

With regard to claim(s) 3-4, Williams (4,363,263) lack(s) a first cleaner comprising a brush or scraper. Kornely (5,542,525) teach(es) a scraper 132 which is

upstream as well as 96 & 34, Figure(s) 4, in a decontamination arrangement of a conveyor belt(s).

It would have been obvious to modify Williams (4,363,263) to provide a scraper in order to accommodate practical considerations as taught by Kornely (5,542,525).

With regard to claim(s) 5, Williams (4,363,263) is silent on power dissipation. As the applicant has failed to show criticality or unexpected results, this power range is considered to be a matter of design choice.

It would have been obvious to modify Williams (4,363,263) to provide/substitute the recited power range in order to accommodate practical considerations as taught by Kornely (5,542,525).

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (4,363,263) in view of Kornely (5,542,525) as applied to claims 1-6 & 16 above, and further in view of Smith (5,303,579).

Williams (4,363,263) lack(s) a downstream detection unit adjacent the conveying surface. Smith (5,303,579) teach(es) a downstream detection unit adjacent the conveying surface 12 detecting residual matter, excess water.

It would have been obvious to modify Williams (4,363,263) to provide a detection unit in order to increase efficiency as taught by Smith (5,303,579).

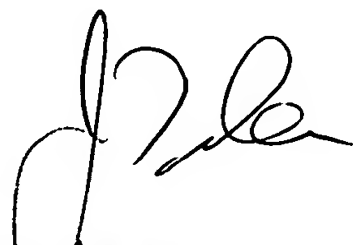
### **Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph A. Dillon, Jr. whose telephone number is (571)272-6913. The examiner can normally be reached on 8-5:30, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JOE DILLON, JR.  
PRIMARY PATENT EXAMINER